



1-27-03

2875

Please type a plus sign (+) inside this box → ☐

Approved for use through 10/31/2002. OMB 0651-0031.

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/475,664	
	Filing Date	1/10/03	
	First Named Inventor	Frank Fellhauer	
	Group Art Unit	2575	
	Examiner Name	Arabel M. Ton	
Total Number of Pages in This Submission		Attorney Docket Number	

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

RECEIVED
JAN 28 2003
TECHNOLOGY CENTER 2800

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Matthew S. Feine
Signature	
Date	1/23/03

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 1/23/03	
Typed or printed name	Matthew S. Feine
Signature	
Date	1/23/03

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appn. Number: 09/975,664
Appn. Filed: 10/10/01
Applicant: Frank Fellhauer
Title: Forward Facing Brake Light
Examiner: Anabel M. Ton/2875

In response to the Office Action mailed out on October 24, 2002, please note the following remarks:

REMARKS

The Examiner has rejected claims 1-7 of the present application under 35 U.S.C. 103(a) as being unpatentable over Duerkob (US 4,954,808) and further in view of Tran (US 5,059,015). The Applicant respectfully traverses this objections on several grounds, as noted below.

First of all, it should be noted that the two prior art references, even if combined, do not disclose the four separate lens segments, with these segments being fabricated into two larger segments and two smaller segments. The two larger segments are the actual "forward facing" segments of the present invention and are mounted in a "gull-winged" aerodynamic shape. The lens serves several purposes, including increased aerodynamics, increased projection, and increased lens surface area that can display the lights within the present invention.

Neither Duerkob nor Tran discloses any solutions to any of these problems. It should be noted that Duerkob and Tran simply do not focus whatsoever on the aerodynamic qualities of their respective disclosed inventions. Duerkob deals with a rear-mounted brake light within a vehicle, while Tran deals with a side-mounted mirror

RECEIVED
JAN 28 2003
TECHNOLOGY CENTER 2800
11:10 AM
775-551-1111
3/19/03

that just happens to have an internally mounted light. The inventions disclosed in these two prior art references, for lack of a better description, are about as boxy as invention could be.

Although "mere duplication of the essential working parts" may involve only routine skill in the art, it is clear that the duplication of the actual number of lens in the present invention are present for the sake of "mere duplication." Rather, the number of lens in the present invention is specifically configured to make the present invention aerodynamic, as stated in claim 1.

The Applicant believes that it is not "merely obvious" to provide an aerodynamic shape for the housing of the front-mounted brake light merely because modern vehicles may have aerodynamic shapes for particular attached automotive accessories. The fact of the matter remains that there is no front-mounted and forward-facing brake light, previously disclosed, that has been designed with one of its goals to be aerodynamic, which is the true of the present invention. Therefore, Applicant believes he has successfully traversed this rejection on this ground.

The Examiner also notes that it would be obvious to use LED's as a light source in the present invention because the advantages of LED's over other light sources are already well known. It should be noted that although this may be true, LED's have been infrequently used with vehicles, at best, until very recently, due to the difficulty in getting proper illumination levels within vehicles. Brake lights require high illumination levels, and this was not previously available with LED's until recently. Furthermore, the ability of LED technology was not available for vehicles until very recently in any regard. Therefore, it would not be automatically "obvious" to utilize LED's as a light source within a vehicle brake light, especially combined with the several other characteristics of

the present invention disclosed in the application.

Applicant would also like to point out that the prior art available, as previously disclosed herein, tends to steer away from the need for "aerodynamic" brake lights. Therefore, this would provide an additional reason as to why the Applicant believes that it would not be obvious to render the present invention aerodynamic because there is no suggestion in the prior art to have this aerodynamic characteristic.

In summation, the Applicant believes that he has successfully traversed the Examiner's objections with regard to claim 1, and at least some of the dependent claims also. The Applicant concedes that "individual" characteristics of the present invention might be separately considered "obvious" if they are each looked at while acting oblivious about the other characteristics of the present invention. The Applicant does concede that LED's may be better than other light sources in some instances, that forward-facing brake lights have previously been disclosed, and that some exterior automotive accessories may be aerodynamically shaped. However, these facts do not automatically render the present invention obvious merely because the present invention possesses each of these characteristics. Rather, the unique combination of these items in the present invention as claimed shows that the present invention is nonobvious, especially since there is no suggestion in the prior art to combine the elements of the present invention in the manner they have been.

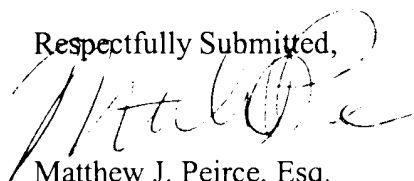
Although the Applicant believes that the above-listed arguments successfully traverse most, if not all, of claims 1-7, Applicant would also like to note that claims 2-7 are either directly or indirectly dependent on claim 1, which Applicant believes he has now shown to be proper and an allowable claim. Therefore, the rest of the claims, deriving from an allowable claim, would contain all the limitations inherent in claim 1

and any intervening claims, and as a result, would also be allowable.

CONCLUSION

For all of the above-described reasons, applicant submits that the specifications and claims are now in proper form, and that the claims define patentability over the prior art. In addition, applicant believes that their arguments in the "Remarks" section successfully traverses the objections and rejections brought forth by the Examiner in the Office Action. Therefore, the applicant respectfully submits that this application is now in condition for allowance, which action he respectfully solicits.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Matthew J. Peirce", written over a horizontal line.

Matthew J. Peirce, Esq.
Registration No. #41,245
Attorney for Inventor Frank Fellhauer